

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Public Works	(2) MEETING DATE June 27, 2006	(3) CONTACT/PHONE John Waddell, Project Engineer (805) 788-2713	
(4) SUBJECT Submittal of a Resolution Setting a Public Hearing to Consider Establishing a Zone of County Service Area 9 for Road Improvements and a Resolution Proposing the Adoption of a Special Tax for Said Zone for Road Improvements to a Portion of Cimarron Way in the Community of Los Osos.			
(5) SUMMARY OF REQUEST In accordance with the Cooperative Road Improvement Program, the Department of Public Works has received signed requests from Cimarron Way property owners for paved road improvements. Although road improvement service is an authorized extended service of CSA No. 9, no funding is available through the CSA. The property owners on Cimarron Way have filed a petition with the Director of Public Works requesting the formation of a special tax zone, to be known as the Cimarron Way Road Improvement Zone of County Service Area No. 9, as a means of paying for the improvement, administrative, and elections costs associated with the project.			
(6) RECOMMENDED ACTION It is our recommendation: 1. That your Honorable Board approve the attached resolution calling for an August 1, 2006 public hearing to consider forming the Cimarron Way Road Improvement Zone of County Service Area No. 9 (CSA No. 9). 2. That your Honorable Board approve the attached resolution calling for an August 1, 2006 public hearing on the adoption of a special tax in the subject zone. 3. That the County Clerk publish a notice of the public hearing in accordance with Government Code Section 6061.			
(7) FUNDING SOURCE(S) Services to Special Districts	(8) CURRENT YEAR COST \$2,000.00	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): None			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All	(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; margin-top: 10px;"> <i>OK Leslie Bon</i> </div>			

Reference: 06JUN27-C-9

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: John Waddell, Project Engineer

VIA: Glen L. Priddy, Deputy Director of Public Works

DATE: June 27, 2006

SUBJECT: Submittal of a Resolution Setting a Public Hearing to Consider Establishing a Zone of County Service Area 9 for Road Improvements and a Resolution Proposing the Adoption of a Special Tax for Said Zone for Road Improvements to a Portion of Cimarron Way in the Community of Los Osos

Recommendation

It is our recommendation:

1. That your Honorable Board approve the attached resolution calling for an August 1, 2006 public hearing to consider forming the Cimarron Way Road Improvement Zone of County Service Area No. 9 (CSA No. 9).
2. That your Honorable Board approve the attached resolution calling for an August 1, 2006 public hearing on the adoption of a special tax in the subject zone.
3. That the County Clerk publish a notice of the public hearing in accordance with Government Code Section 6061.

Discussion

County Service Area No. 9 was formed by resolution of the Board of Supervisors in order to provide multiple services to the residents and property owners in Los Osos/Baywood Park area in San Luis Obispo County. Although the majority of these services are now the responsibility of the Los Osos Community Services District, road improvement services remain within the jurisdiction of the County. The attached resolutions concerning zone formation and a special tax election are required by current state law to establish new fees, service charges or benefit assessments.

The Department of Public Works has received signed requests from the residents and

property owners of Cimarron Way, Los Osos. These requests are for County Service Area No. 9 to improve the northerly 200 feet of their road to a County maintained paved standard. Although these requests for road improvements are within the powers of CSA No. 9, no funding is available through the CSA. The proposal is for the Board of Supervisors to form the Cimarron Way Road Improvement Zone of County Service Area No. 9, and to impose, levy and collect in the Cimarron Way Road Improvement Zone a special tax for improving the road.

Section 25210.8 of the Government Code authorizes the Board of Supervisors to establish zones within any county service area with tax rates, service charges, benefit assessment, fire suppression assessments, or connection charges varying with the extent of the benefit derived from services provided to the property within the zones.

Section 25210.6a of the Government Code authorizes the Board of Supervisors to impose, levy and collect a special tax within a zone of a county service area, pursuant to the procedures prescribed in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of the Government Code, to fund services such as the road improvements.

Section 50077(a) of the Government Code provides that the Board of Supervisors may, following notice and public hearing, propose by ordinance or resolution the adoption of a special tax. The ordinance or resolution shall include the type of tax and the rate of tax to be levied, the method of collection, and the date upon which an election shall be held to approve the levy of the tax.

In order to accomplish the formation and the funding of the Cimarron Way Road Improvement Zone, it will be necessary for the Board of Supervisors to approve the attached resolutions.

The first resolution: (a) sets a public hearing date of August 1, 2006, for the consideration of the Board of Supervisors to form the Cimarron Way Road Improvement Zone, and (b) orders the County Clerk to give public notice of the public hearing.

The second resolution: (a) sets a public hearing date of August 1, 2006, for the consideration of the Board of Supervisors to set an election for the adoption of a special tax within the proposed Cimarron Way Road Improvement Zone, and (b) orders the County Clerk to give public notice of the public hearing.

Other Agency Involvement/Impact

County Counsel has reviewed the resolutions and approved them as to legal form and effect. The County Clerk has been consulted regarding special tax election issues. The County Auditor/Controller, Treasurer/Tax Collector, and Administrative Office have been made aware of this proposed project.

Financial Considerations

There are 8 parcels within the proposed road improvement zone. The proposed special tax assessment, if approved by 2/3's of the registered voters voting within the proposed tax

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zone, will be on a per parcel basis. Based on the engineer's construction cost estimate, the County of San Luis Obispo, commencing in Fiscal Year 2007/2008, and annually thereafter, shall impose, levy and collect a special tax on real property within this Zone to provide road improvements with the special tax to be set at an initial rate not exceeding \$775.00 per year per parcel having a separate County Assessor's Parcel Number and increasing not more than two percent per year thereafter. Said special tax shall be considered repayment of the improvement project construction and administration costs as loaned to the improvement zone for the purpose of road improvements.

Results

Approval of the recommended actions will cause a hearing to occur on August 1, 2006 concerning the proposed formation of the Cimarron Way Road Improvement Zone and a related Special Tax within County Service Area No. 9.

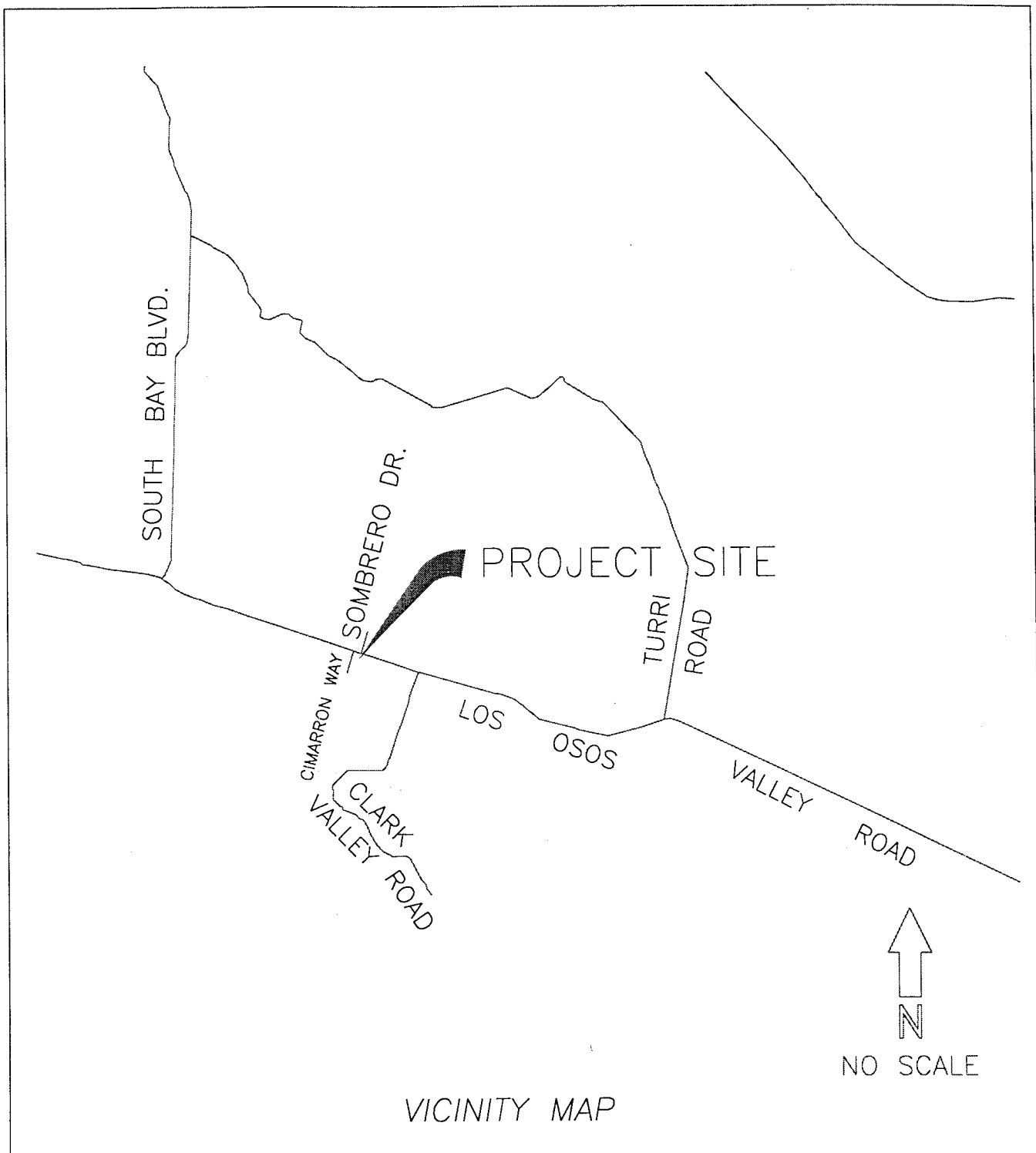
Attachments: Vicinity Map
 Resolution Calling for a Public Hearing on Zone Formation
 Resolution Calling for a Public Hearing on a Special Tax

File: CSA 9 Cooperative Roads

Reference: 05JUN27-C-9

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CIMARRON WAY
COOPERATIVE ROAD IMPROVEMENT PROJECT

TOWN OF LOS OSOS

COUNTY OF SAN LUIS OBISPO, CA.
PUBLIC WORKS DEPARTMENT

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IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION OF INTENTION TO CREATE A ZONE FOR ROAD IMPROVEMENTS WITHIN THE SAN LUIS OBISPO COUNTY COUNTY SERVICE AREA NO. 9

RECITALS:

The following resolution is now offered and read:

WHEREAS, the majority of responding residents and property owners within the Cimarron Way area (map attached hereto as Exhibit A), have requested road improvement services through the formation of a zone for the implementation of the County's Cooperative Road Improvement Program; and

WHEREAS, the responding residents and property owners desire and it is in the public interest that said zone be established; and

WHEREAS, road improvements are an extended service of County Service Area No. 9; and

WHEREAS, the Cimarron Way Road Improvement Zone is entirely within the boundary of County Service Area No. 9; and

WHEREAS, Section 25210.8 of the Government Code authorizes the Board of Supervisors to establish a zone within any county service area; and

WHEREAS, the purpose of establishing said Cimarron Way Road Improvement Zone is to improve the road to a County maintained paved standard within the said Zone.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct, and valid.
2. That a public hearing shall be held on the question of the establishment of said Cimarron Way Road Improvement Zone, on August 1, 2006, at 9:00 o'clock a.m., or as soon as possible thereafter, in the Board of Supervisor's Chambers, San Luis Obispo, California.

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3. That notice of said hearing shall be published by the County Clerk's office one time in newspaper of general circulation, published and circulated in the County of San Luis Obispo, with said publication to be made at least one week prior to said hearing.
4. That at said hearing, objections may be filed against the petition or against the formation of said Cimarron Way Road Improvement Zone.
5. That the Auditor-Controller is hereby authorized to establish a separate fund for said Cimarron Way Road Improvement Zone.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: *Patricia A. Fran*
Deputy County Counsel

Dated: 6/15/06

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk

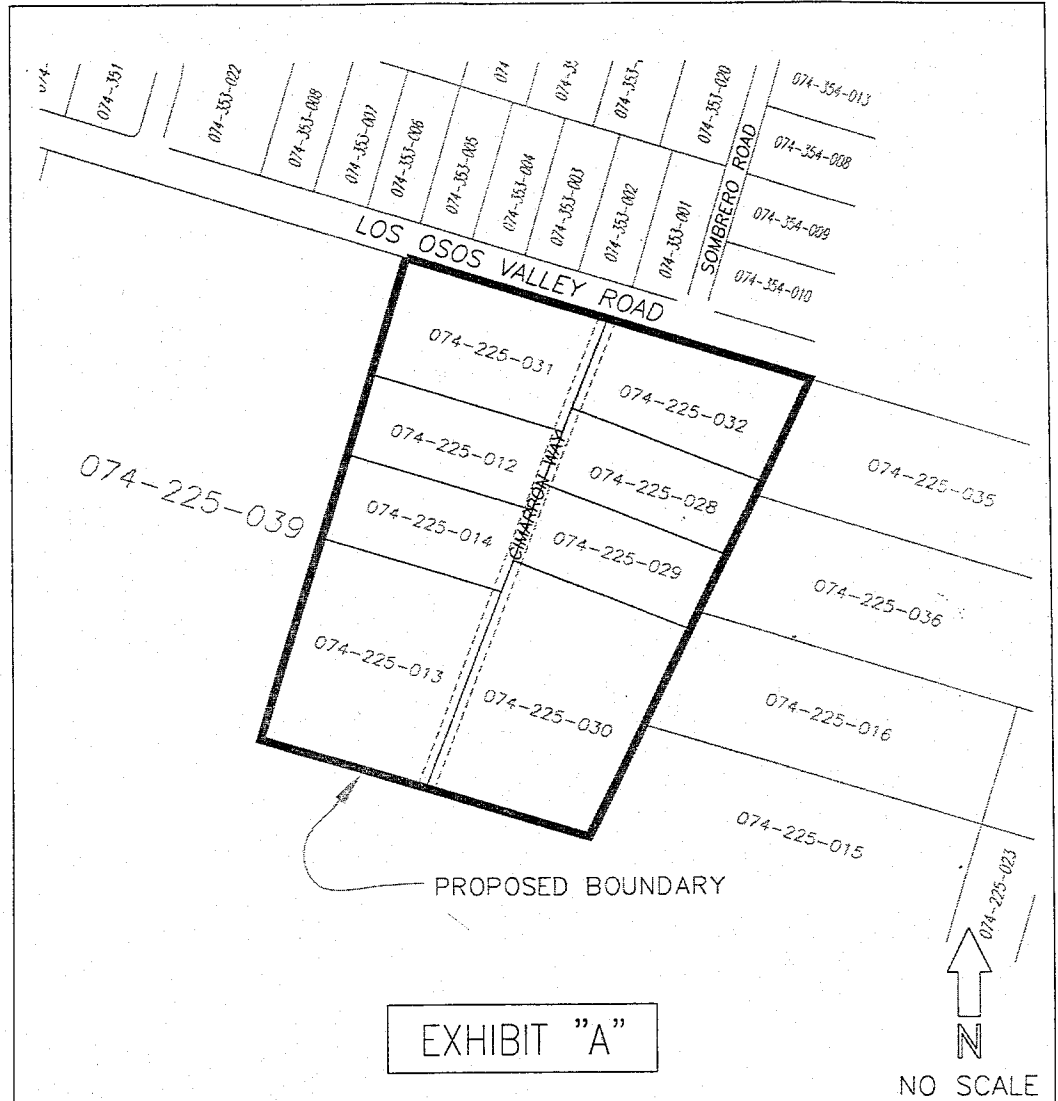


EXHIBIT "A"

CIMARRON WAY
COOPERATIVE ROAD IMPROVEMENT PROJECT
TOWN OF LOS OSOS
COUNTY OF SAN LUIS OBISPO, CA.
PUBLIC WORKS DEPARTMENT

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IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION PROPOSING THE ADOPTION OF A SPECIAL TAX WITHIN THE CIMARRON WAY ROAD IMPROVEMENT ZONE OF SAN LUIS OBISPO COUNTY SERVICE AREA NO. 9

The following Resolution is now offered and read:

WHEREAS, it is proposed that on August 1, 2006, the Board of Supervisors consider forming the Cimarron Way Road Improvement Zone within San Luis Obispo County Service Area No. 9; and

WHEREAS, in order for County Service Area No. 9 to undertake and complete the work of road improvements within the Cimarron Way Road Improvement Zone, it will be necessary to impose, levy and collect a special tax in annual amounts equal to the amortized costs of the administration, design, construction and inspection of the road improvements; and

WHEREAS, Section 25210.6a of the Government Code authorizes the Board of Supervisors to impose, levy and collect a special tax within a zone of a county service area, pursuant to the procedures prescribed in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 or Division 1 of the Government Code, to fund services such as road improvements; and

WHEREAS, Section 50077(a) of the Government Code provides that the Board of Supervisors may, following notice and public hearing, propose by ordinance or resolution the adoption of a special tax.

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NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth above are true, correct and valid.
2. That a public hearing shall be held on August 1, 2006, at 9:00 o'clock a.m., or as soon as possible thereafter, in the Board of Supervisor's Chambers, San Luis Obispo, California to consider the adoption of a resolution proposing imposing, and authorizing the levy and collection of, a special tax within the proposed Cimarron Way Road Improvement Zone, as follows:
 - a. That the proposed special tax would be a tax on the real property within the Cimarron Way Road Improvement Zone, as follows:

The proposed special tax would be imposed on each parcel of real property within the said zone as shown on the attached boundary map attached hereto and marked as Exhibit A, commencing with Fiscal Year 2007-2008.
 - b. That the rate of the proposed special tax would be as follows:

There are 8 parcels within the proposed road improvement zone and the proposed special tax assessment will be on a per parcel basis. The special tax to be set at an initial rate not exceeding \$775.00 per year per parcel having a separate County Assessor's Parcel Number and increasing not more than two percent per year thereafter.
 - c. That the proposed special tax within said zone would be collected in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected by the County.
 - d. That the question of the approval of the said special tax would be submitted to the voters of the Cimarron Way Road Improvement Zone, and, upon the approval of two-thirds of the votes cast by voters voting upon such proposition, the County would impose, levy and collect said special tax.
 - e. That the election to consider the approval of the proposed special tax would be held on November 7, 2006.
3. That notice of said hearing shall be published by the County Clerk on time in a newspaper of general circulation, published and circulated in the County of San Luis Obispo, with said publication to be made at least one week prior to said hearing.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: *Patricia J. Foran*
Deputy County Counsel

Dated: 6/15/06

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.

NOTICE OF PUBLIC HEARING

The San Luis Obispo County Board of Supervisors will hold a public hearing on **Tuesday, August 1, 2006 at 9:00 a.m.**, to consider creating a zone for the road improvements within the San Luis Obispo County Service Area 9 for the purposes of improving Cimarron Way. The hearing will be held at the Board of Supervisors Chambers, County Government Center, San Luis Obispo.

Any person interested in expressing their views regarding the proposed zone formation of said Cimarron Way Road Improvement Zone may do so at the hearing. All hearings are scheduled for 9:00 a.m. To determine placement of this item on the agenda, please contact the County Administrative Office the Thursday afternoon before the scheduled hearing date.

The recommended formation resolution and staff report may be reviewed at the:

County Government Center
Administrative Office, Room D430
San Luis Obispo, CA 93408
(805) 781-5011

DATED: July __, 2006

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of

Supervisors

By: /s/ Vicki M. Shelby,
Deputy Clerk-Recorder

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